

Va. Administrative Dispute Resolution Council

Minutes

January 6, 2005 Meeting

Richmond, Virginia

Present: Al Bridger; Joe Damico; Raymond E. Davis; Pat Donini; Claudia T. Farr; Kathy Fischer; James W. Fisher; Gail Jaspen; Larry Jones; Seward McGhee; Carol Mitchell; Barbara Newlin; Bill Price; John Settle; Ernest Spratley; Brenda Weiss

Due to unavoidable scheduling conflicts, Secretary Bowen and Deputy Secretary Sheryl Bailey asked Claudia Farr to chair the meeting in their absence. The meeting was called to order at approximately 2:00 p.m. During the meeting, a new member was welcomed, Pat Donini of George Mason University, who will be replacing Keith Bushey as one of the Education Secretariat representatives on the Council. Council Subcommittees and others gave the following reports:

Updates on VADRA Pilots: (see also attached handout)

Board of Accountancy (Carol Mitchell): coaches have met with BOA's DRC, agency head, and the Board's enforcement committee. BOA's DRC plans to present proposed procedures to the Board at its January 10, 2005 meeting. Staff and Board members are expressing enthusiasm for this pilot, which will help resolve disputes between consumers and their CPAs. Unfortunately Duane Shockley, part of the coaching team, has moved out of state, but Tony Scott of the Better Business Bureau may be able to assist Carol in consulting with BOA.

Dept. of Mental Health, Mental Retardation & Substance Abuse Services (John Settle): coaches met with agency DRC and facility personnel, and provided facilitation services for facility staff to assist in teambuilding. The agency has reported positive results, and the facilitators are available to provide a 6-month check.

Dept. of General Services (Joe Damico): DGS has now published revisions to its Vendors Manual addressing the use of ADR in procurement/contract disputes, and included specialized ADR training during its December 2004 procurement conference for vendors and state procurement personnel.

VITA (Claudia Farr): In Kelley Hellam's absence, Claudia Farr reported that VITA's Director of Supply Chain Management recently wrote a letter expressing her appreciation for the consultation and ADR services provided by the Council through Al Bridger. Al reported that the agency and its vendor partners have had continued success in using ADR to resolve high value procurement and contract-related issues.

Dept. of Forestry (Claudia Farr): Coaches Merri Hanson and Tanya Denckla are continuing to work with Forestry's Deputy Director to assist the agency in developing a pilot mediation program for its Water Quality Program. Forestry expects initial projects to be completed this summer.

New pilots (Claudia Farr): new pilots are in the works at the Dept. of Environmental Quality, the Dept. of Charitable Gaming, and the Motor Vehicle Dealer Board, as described in the attached handout.

The next quarter pilot report from all pilots will be due January 20, 2005.

Initial Response to 2005 Agency ADR Survey (Bill Price):

The 2005 agency ADR survey was sent to all executive branch agencies and institutions this past November, asking agencies to complete and submit the survey no later than December 15. To date, about two thirds of those surveyed have responded. Friendly reminders will be sent to the various Cabinet offices for those agencies that have not yet submitted their survey. Bill reported that questions arose from agencies with large construction projects, where informal, on-the-job “dispute resolutions” occur daily, as to whether these sorts of activities needed to be quantified for the survey. It was the Council’s consensus that only structured processes, with or without the assistance of a neutral, should be counted for survey purposes, and not all instances of day-to-day problem solving, which would be impracticable to count.

Developing Shared Pool of State Employee Neutrals (Gail Jaspen and Carol Mitchell):

Carol Mitchell and Gail Jaspen shared a draft application that, after fine-tuning, can be used to document the mediators already serving in existing state agency ADR programs (at DPOR, VDACS, and EDR), and in assessing their additional “cross-training” needs to enable them to serve in other agency ADR pilots and programs as well (e.g., procurement, licensure, environmental, etc.). They explained that this first “class” of state employee mediators, estimated to be no more than two to three dozen individuals, could be augmented later with a second group of additional employee mediators gleaned from the 2005 agency surveys.

Initial Training Plans for State Employee Neutrals (John Settle and Barbara Newlin):

A half-day session could be developed to provide an orientation for the first class of state employee mediators and to assess their training needs. After that, additional training can be offered in facilitation and in specialized areas (e.g., procurement and contract disputes, consumer complaints, environmental issues, etc.). Susan Shearhouse, a recognized facilitation trainer, has agreed to provide training for this class on a pro bono basis. An ideal class size for such training would be between 18-24 individuals.

VADRA Web Site:

Steve Marzolf and Paul Prissel have developed a draft web site for final tweaking before publication. Council members were asked to provide Steve or Paul with any comments or suggestions.

The meeting was adjourned at approximately 3:15 p.m.